

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

MR. KEVIN GALLAGHER,	)	
	)	
	)	
Plaintiff,	)	Case No. <b>08 CV 1424</b>
v.	)	
	)	Judge Robert W. Gettleman
THE OFFICE OF THE PUBLIC	)	
DEFENDER OF DUPAGE COUNTY,	)	Magistrate Judge Brown
COUNTY OF DUPAGE, LaWANDA	)	
ALLEN, and ROBERT A. MILLER,	)	
	)	
Defendants.	)	
	)	

**MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSIVE PLEADINGS**

NOW COME the Defendants, THE OFFICE OF THE PUBLIC DEFENDER(a non-suable entity), LaWANDA ALLEN, and ROBERT A. MILLER, by and through their attorney, Joseph E. Birkett, DuPage County State's Attorney, and his assistants, Paul F. Bruckner and Thomas F. Downing, and respectfully move this Court for an enlargement of time to file responsive pleadings, and in support thereof states as follows:

1. Plaintiff has filed a Complaint purporting to assert claims against several Defendants, including Defendants herein.
2. Defendants, LaWANDA ALLEN (an Assistant Public Defender), and ROBERT A. MILLER (the Public Defender), and a "defendant" named as "OFFICE OF THE PUBLIC DEFENDER", were allegedly served by the U.S. Marshal on June 4, 2008 and their responsive pleadings are therefore due to be filed on or before June 24, 2008 (Upon information and belief, Defendant, the COUNTY OF DUPAGE, has not yet been served.)

3. Assistant State's Attorney Paul F. Bruckner has been assigned to handle the case on behalf of defendants the Office of the Public Defender (a non-suable entity), LaWanda Allen, and Robert A. Miller, and received notification that the complaint had been served on or about Friday, June 6, 2008.

4. Due to the following matters and circumstances, ASA Bruckner has been unable confer with his clients and investigate the matter:

- a) June 10, 2008 - Prepare for and attend settlement conference before Magistrate Judge Cox in *Contorno v. McCann, et al.*, Case No. 04 CV 3448;
- b) June 11, 2008 – Hearing in the Illinois Labor Relations Board on an unfair labor practice charge in *Metropolitan Alliance of Police, Chapter #126 v. County of DuPage and DuPage County Sheriff*, Case No. S-CA-07-175;
- c) June 12, 2008 – Attend union labor contract negotiations (as part of the employer's negotiating team) between the DuPage County Coroner, County of DuPage, and Metropolitan Alliance of Police, Chapter #174;
- d) June 13, 2008 – prepare and file position statement in *Susan Lakics v. DuPage County Sheriff's Department*, EEOC Charge # 440-2008-05470;
- e) June 14, 2008 through June 22, 2008 – out of the office on vacation.

5. ASA Bruckner requires adequate time to investigate the matter and speak to his clients.

6. Defendants request an additional 14 days, until July 8, 2008, for these Defendants to file responsive pleadings.

7. This represents these Defendants' first request for enlargement of time to complete responsive pleadings and is not brought to delay this matter, but to adequately defend this action.

**WHEREFORE**, for the foregoing reasons, Defendants, THE OFFICE OF THE PUBLIC DEFENDER(a non-suable entity), LaWANDA ALLEN, and ROBERT A. MILLER, respectfully pray for an enlargement of time, to July 8, 2008, for each Defendant to file responsive pleadings in this matter.

Respectfully submitted,

JOSEPH E. BIRKETT  
DuPage County State's Attorney

By: s/ PAUL F. BRUCKNER  
PAUL F. BRUCKNER  
Assistant State's Attorney

JOSEPH E. BIRKETT *abb*  
DuPage County State's Attorney  
By: Paul F. Bruckner, A.S.A.  
Attorney No. 6206660  
503 N. County Farm Road  
Wheaton, Illinois 60187  
630/407-8200

**CERTIFICATE OF SERVICE**

**TO:** Kevin Gallagher, 1450 Joliet Street, Dyer, IN 46311

The undersigned being first duly sworn upon oath states that:

On the 24th day of June, 2008, I served a copy of our APPEARANCES, MOTION FOR ENLARGEMENT OF TIME TO FILE RESPONSIVE PLEADINGS and NOTICE OF MOTION, according to Fed.R.Civ.P. 5(a,), by mailing a copy to Kevin Gallagher at the above-named address, and depositing the same in the U.S. Mail in Wheaton, Illinois with the proper postage prepaid.

s/PAUL F. BRUCKNER  
Assistant State's Attorney

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